

REMARKS/ARGUMENTS

In response to the Examiner's Office Action of July 20, 2009 issued in relation to the present Patent Application, the Applicant submits amendments to the claims and the Remarks below.

Claims 1-9 are pending in the Application. Claim 1 is an independent claim.

Regarding 35 USC 103 Rejections

Claims 1-4 and 7 are rejected under 35 USC 103(a) as being unpatentable over Machida (US 7,002,702) in view of Iizuka (US 6,771,385), and further in view of Sekizawa (US 2002/0138612).

Claims 5-6 and 8-9 are rejected under 35 USC 103(a) as being unpatentable over Machida in view of Iizuka, and further in view of known prior art.

Obviousness can only be established when three basic criteria are met (MPEP at §2143 "Basic Requirements of a Prima Facie Case of Obviousness"):

(1) First, there must be some teaching, suggestion or motivation to combine or modify teachings of the prior art to produce the claimed invention found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art;

(2) Second, there must be a reasonable expectation of success; and,

(3) Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The Applicant respectfully submits that the claims of the subject application are patentable over prior art of record, and that a prima facie case of obviousness has not been established since at least requirements (1) and (3) are not met.

Claim 1 of the present application defines that each consumer stores for each common resource a record of the total amount of that resources consumed by all consumers. Each consumer is aware of their own consumption of that common resource, and broadcast's its consumption to all other consumers. Each consumer thus also receives the amount of consumption for each common resource from other consumers. Before addressing the prior art relied upon, important differences between the claimed invention and the prior art is that each consumer maintains a record of total consumption for each common resource, and that the information required to maintain those records is received from other consumers, not from the common resource or a server associated with the common resource.

Machida teaches a method of tracking usage of one or more common resources (printer consumables), where the common resources are consumed by a plurality of consumers (PCs). However, in Machida one of the PCs serves as a management server and controls device log information.

Machida teaches away from the claimed invention in that only one management server maintains the log information. Also, in Machida the printer sends a value indicative of an amount of the one or more resources consumed in that printer to the single management server. Yet further, in Machida respective PCs request from the management server the total and then receive the total.

In Iizuka all requests to the image forming apparatus 21, 22 and 23 are channelled through web server 13. Data base server 11 obtains statistical information of the image forming apparatus 21-23, information of the state of operation and equipment information in plural image forming apparatuses 21-23 from each image forming apparatus through web server 13, and stores these information. That information may then be analyzed by an application on the Application server 12 to obtain usage statistics.

Iizuka is thus similar to Machida in that it teaches centralized management of consumption information. For reasons similar to those already presented above with regards to Machida, Iizuka also teaches away from the claimed invention.

On page 3, point 5 the Examiner asserts that Iizuka discloses “a method wherein, a sonsumer (12-13 and 21-23) stores a record of the total of the values that the consumer broadcasted”. Applicant respectfully disagrees with that assertion. Only image forming apparatus 21-23 are consumers. Servers 12 and 13 are not consumers of any resource. Consumption data is only stored in data base server 11, and certainly not at each consumers. An application on the Application server 12 obtains usage statistics from the data base server 11. Server 13 is merely a web server, and also does not store consumption data.

With regards to the Examiner’s offered motivation to modify the teaching of Machida with that of Iizuka, not only does the offered motivation no come from Machida or Iizuka ,as is required by MPEP §2143(3), the offered motivation is also inaccurate in referring to “values which were broadcasted” even though the Examiner acknowledges that neither of Machida and Iizuka teach broadcasting any value. It is unclear how the proposed modification would operate, in that were exactly what value would be stored, and what value is communicated between which entities.

Sekizawa is relied upon for teaching “from each consumer, broadcasting to each of the other consumers a value indicative of an amount of the one or more resources consumed”. Applicant respectfully disagrees with that assertion. Sekizawa teaches in paragraphs [0144]-[0145] that agent unit 10 gets status information indicating the operation state of each network printer P connected to its LAN 3a and the toner remaining amount, the ink remaining amount, photosensitive drum remaining life, etc. This information is then compiled into a status mail and addressed to console unit 20. Those status mails are routed via mail server 19. In Sekizawa the PCs are the consumers and the printers are the common resources. Applicant can find no disclosure in Sekizawa that each PC broadcast to each other PC a value indicative of an amount of the common resource used. Further, the PCs do not store a total of the resources consumed for each common resource. Sekizawa teaches that each printer maintains that information for that printer only. That information for each printer is then communicated to a central location, that being the console unit 20. That communication is via agent unit 10 and server 19.

A big difference between the claimed invention and the prior art cited by the Examiner is that the system does not rely on the printer, or a management server, to determine the amount of resources consumed. Each consumer performs that function separately, and independently. This allows each consumer, without any further communication or requests for information, to have knowledge of the total resources consumed.

With regards to the motivation to modify the teachings of Machida and Iizuka with that of Sekizawa, the Examiner relies on paragraph [0048] of Sekizawa. Apart from the fact that Applicant is unable to identify where in that paragraph the offered motivation is suggested, that paragraph also teaches away from the claimed invention as it is clearly taught that a single integrated monitor unit is used for monitoring the consumption of the machines.

Thus, as the proposed combination of references fails to teach or suggest all of the claim recitations (in accordance with MPEP section 2143.03), and because the references themselves, or in the knowledge generally available to one of ordinary skill in the art, fails to teaching, suggestion, or motivation the modifications suggested by the Examiner, Applicant respectfully submits that a prima facie case of obviousness has not been established.

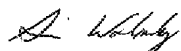
In view of the foregoing, it is respectfully submitted that the 35 USC 103(a) rejection of claim 1 have been traversed. The 35 USC 103(a) rejection of claim 1 should be withdrawn as claim 1 is allowable over the references as applied by the Examiner. Claims 2 to 9 are dependent on allowable claim 1, and are allowable for at least that reason.

CONCLUSION

Allowance of the present application is respectfully requested.

Very respectfully,

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